

D-3

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

April 13, 2007

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.: 06HD-162

Hawai'i

Set Aside to County of Hawaii, Department of Parks and Recreation for Park,  
Trail and Related Recreational Purposes, Waiakea, South Hilo, Hawaii, Tax Map  
Key: 3<sup>rd</sup>/2-1-06:77,79 and 2-1-07:Portion of 15.

APPLICANT:

County of Hawaii

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Waiakea, South Hilo, Hawaii, identified by Tax  
Map Key: 3<sup>rd</sup>/2-1-06:77,79 and 2-1-07:Portion of 15, as shown on the attached map  
labeled Exhibit A.

AREA:

1.675 acres, more or less.

ZONING:

State Land Use District:	Parcel 2-1-06:77, conservation Parcel 2-1-06:79, urban Parcel 2-1-07:por. 15, urban
County of Hawaii CZO:	Parcel 2-1-06:77, open Parcel 2-1-06:79, limited industrial Parcel 2-1-07:por.15,general industrial

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered.

PURPOSE:

Park, trail and related recreational purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Process and obtain subdivision at Applicant's own cost;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;

REMARKS:

Records on file in the HDLO indicate that parcel 3<sup>rd</sup>/2-1-06:77 had been utilized off and on for landscaping purposes on a month-to-month basis since 1966 to the Orchid Manor Apartments. There is no record on file of the adjacent parcel (3<sup>rd</sup>/2-1-06:79) as having been utilized for any purpose.

The remaining lands being requested in the set-aside are a portion of the abandoned railroad right-of-way. This right-of-way was part of the rail system that brought sugar from the outlying canfields to the Hilo harbor for shipment off island. This right-of-way was abandoned sometime after the tsunami of 1946.

The County of Hawaii, Department of Parks and Recreation wish to incorporate these parcels of land into the Reed's Bay Park master plan. It would extend the newly created centennial park towards the pier.

The following government agencies had these comments regarding the proposed set aside;

- State Department of Transportation-Harbors Division; no objection to the request provided, that no further State-owned lands northeast of parcel 79 of TMK: 3<sup>rd</sup>/2-1-06 will be set aside to the County of Hawaii under a governor's executive order.
- DLNR State Historic Preservation Division: records indicate that the old railroad has been identified as a historic property. There is no record of an archaeological inventory survey for the subject property. Therefore, HP is recommending that before any park improvements take place, an archaeological inventory survey be conducted and evaluate the effect of the project on any newly identified historic properties as well as the old railroad right-of-way.
- County of Hawaii Planning Department; the Planning Department will need to assess all proposed uses in the County's Special Management Area (SMA). In addition, a Plan Approval will be required per the County Zoning Code Section 25-4-11(c). The issue of the SMA violation by the Orchid Manor Condominium will also need to be addressed.
- Office of Hawaiian Affairs: OHA feels that the use of this shoreline property for public park and shoreline access purposes is in the best interest of the public and our beneficiaries. They also ask that the set-aside be conditioned on the County ensuring that no archaeological sites or iwi will be disturbed and that all native Hawaiian customary and traditional rights will be respected. OHA would also like to ensure that native species be used in park landscaping. Finally, they request that the County dedicate a Hawaiian name, preferably associated with the area, to the proposed park.

Other Federal, State and County agencies solicited for comments offered no objection and/or comments.

Although there are currently no permits issued for any of the parcels, the Orchid Manor Apartments have been using a portion of parcel 79 for parking and landscaping purposes. The condominium association first applied for a revocable permit in 1968 (RP S-4194). This permit was cancelled and re-issued in 1969 (RP S-4406). The association again requested the cancellation of the revocable permit in 1984 stating they were not utilizing the area.

They again applied for a permit for parking and landscaping purposes in 1996. However, they were not able to agree on a monthly rental and did not proceed with the permit process. They did however, continue utilizing the property and the adjacent Huipa Road right-of-way.

A recent inspection of the area revealed continued use of the State land for parking with some expansion of asphalt pavement to the shoreline. This expansion was brought to the attention of the County Planning Department at which point a determination was being made and any recourse for violating the Special Management Area (SMA) regarding shoreline encroachment will be made at a future time.

Should the County Parks and Recreation Department wish to alter the existing area that has been utilized by the Orchid Manor, the condominium association shall be responsible for all costs associated with the alterations.

Staff is recommending that the Board approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to County of Hawaii for park and related uses.


RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

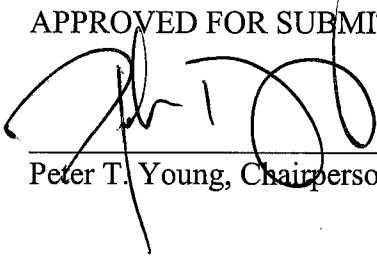
1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to County of Hawaii under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
  - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



 Gordon C. Heit  
Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

# EXHIBIT A

TMK: 3<sup>RD</sup>2-1-06:77, 79 & por. 15

